

# Iowa Department of Corrections Offender Rulebook

This rulebook is a summary of the IDOC offender disciplinary policies:

- **IO-RD-01, *Overview and Philosophy of Offender Discipline***
- **IO-RD-02, *Informal Corrective Action and Minor Disciplinary Reports***
- **IO-RD-03, *Major Discipline Report Procedures***

Readers are referred to those documents, which are available in institutional libraries and/or other locations determined by the institution, and the IDOC Policy Manual, for definitions and for complete information about the policies.

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### **A. Disciplinary Policy and Philosophy Overview (Source: IDOC Policy IO-RD-01)**

1. It is the policy of the IDOC to have in place in each of its institutions a system of offender discipline that serves to advance successful offender reentry into the community and to protect the public, staff, and offenders from victimization, and maintains order in the institution, through the impartial application of a fully developed, well-understood set of rules and regulations, and procedures that incorporates all applicable due process requirements.
2. Available Levels of Disciplinary Action

The levels of disciplinary action available include:

- a. Informal disciplinary action (see IDOC Policy **IO-RD-02, *Informal Corrective Action and Minor Disciplinary Reports***)
- b. Disciplinary action using a minor report (see IDOC Policy **IO-RD-02**)

- c. Disciplinary action using a major report (see IDOC Policy **IO-RD-03**, *Major Discipline Report Procedures*)

The level of disciplinary action may be modified at the advice and/or direction of supervisory staff. As an example, a minor report written by a staff member may, upon supervisory review, be enhanced to a major report. In such cases, any sanction imposed and served shall be incorporated into the sanction imposed for the major report. In the same way, informal action may be enhanced to formal discipline or formal discipline reduced to a more appropriate level of response.

### 3. Considerations in the Imposition of Discipline

In general, an offender should receive the lowest reasonable level of disciplinary action for the type of violation. These factors, collectively, may serve to mitigate or aggravate the level of discipline imposed. In determining the appropriate level of disciplinary action, staff shall consider:

- a. The seriousness of the offense and the degree of disciplinary action needed to help protect the public, employees, and offenders.
- b. The degree of disciplinary action needed to facilitate change in offender behavior and to reduce future violation or victimization.
- c. The degree of disciplinary action needed to reduce or prevent someone from being victimized in the future.
- d. The offender's disciplinary record and whether the offender has previously committed a similar rule violation before.
- e. Attitude, program involvement, and the offender's progress towards established goals.
- f. The current mental health status of the offender.

### 4. Applicability

The disciplinary rules and procedures established in the disciplinary policies are applicable to all offenders while under the physical custody of the IDOC or its agents.

**B. Informal Action**  
**(Source: IDOC Policy IO-RD-02)**

1. Informal corrective action may take a variety of forms including, but not limited to:
  - a. An appropriate display of disapproval,
  - b. A discussion of expectations and potential consequences with the offender,
  - c. Verbal reprimand,
  - d. Extra work assignment which is not compensable by work allowance and shall not exceed what would normally be performed within a three hour period,
  - e. The imposition of restrictions of certain privileges specified in institutional procedures for a period of time not to exceed eight hours,
  - f. Written assignments or thinking reports, and
  - g. Other means consistent with the goals of this policy and authorized by institutional procedure.
2. Where the informal corrective action sanction imposed involves any type of sanction, extra assignment or restriction, the offender may choose to accept the corrective action as imposed or may elect to have the matter addressed through the minor report disciplinary process.
3. Where sufficient justification exists, a designated supervisor may cause formal disciplinary action to be implemented in lieu of informal corrective action. Under such circumstances, the offender shall be credited for any informal corrective action sanction that has been implemented.
4. As the offender may elect to have the matter addressed through the minor report process and the minor report process allows for review of the reported violation and any sanctions ordered, informal corrective action is not subject to the Grievance Procedure.

**C. Minor Reports**  
**(Source: IDOC Policy IO-RD-02)**

1. Minor Disciplinary Reports

Where informal corrective action is insufficient to encourage and effect behavioral change and a major report is deemed unnecessary because of the nature of the violation and/or behavioral and disciplinary history of the offender, the minor disciplinary report process shall be used. Each institution has its own minor report procedure.

2. Minor Rules

Each institution shall establish a listing of minor rules and shall make that listing readily available to offenders. These rules may include, but are not limited to:

- a. **Disruptive Conduct** - May include such behavior as listed in the major rule 'Obstructive/Disruptive Conduct' but which is considered less severe in nature. This rule also prohibits horseplay, loud talk, the playing of electronic devices at excessive volume levels, running inside buildings to meals or in areas not designated as recreational areas, and similar behaviors.
- b. **Failure to Follow the Directives of Staff** - May include behavior which is similar to, though less serious than, behavior described in major rule #23.
- c. **Minor Insolence** - May include the display of verbal or non-verbal disrespect to staff or other persons. Use of abusive language is a violation of this rule as is cursing and the use of obscene language – particularly if this language is used in an angry or loud tone of voice.
- d. **Being Out of Place of Assignment** - May include' but is not limited to; being in an unauthorized area, loitering, and being late for scheduled appointments, work or program obligations, medication line, etc.
- e. **Unauthorized Possession or Exchange of Property** - May include, but is not limited to, the possession of any item not issued to the offender or obtained through authorized institutional channels or the alteration of any article.
- f. **Unsatisfactory Work Performance** - May include failure to perform work or program duties as assigned, as well as failure to work cooperatively with work supervisors and offender co-workers.

- g. **Failure to Cooperate at Established Counts** - May include being at any place in the cell other than the designated position during count or failing to cooperate with count procedures in any other way.
- h. **Malingering or Feigning Illness** - May include feigning or exaggerating illness or other incapacity in order to avoid work or other responsibility. Evidence of violation of this rule shall include input from a health care professional.
- i. **Abuse or Waste of State Issued Items** - May include, but is not limited to; defacing property, abuse of equipment or waste of supplies, attachment of articles to walls, etc., in a manner which is not specifically authorized and other actions which abuse or waste state property.
- j. **Violation of Sanitation Standards** - May include, but is not limited to; unsatisfactory room appearance, including improperly made bed, general disarray, dirty room floors, walls, or fixtures; failure to use trash receptacles properly; spitting on floors, walls, sidewalks, trash receptacles, water fountains, etc., placing of feet on furniture; improper storage of personal property or state issued items, etc.
- k. **Failure to Maintain an Acceptable Personal Appearance** - May include the wearing of altered or unauthorized items of clothing, failing to maintain minimum levels of personal hygiene, etc.
- l. **Failure to Follow Safety Regulations** - May include, but is not limited to, the unauthorized use of equipment and the unsafe use of supplies or equipment.
- m. **Failure to Comply with Institutional Monetary Policy** - May include, but is not limited to, the overspending of personal accounts and the use of unauthorized mail ordering procedures.
- n. **Public Display of Offensive Material** - May include the display or posting of nude photographs or drawings including incidental material lying on bunk, locker, desk, etc. In addition, this rule prohibits the display of materials which may be considered offensive to another person. This may include the display of materials which denigrate the ethnicity, religion, occupation, age, or sex of another person.
- o. **Violation of Established and Posted Unit Rules** - May include, but is not limited to; the violation of posted rules of conduct for offenders assigned to, or involved in, activities within the institution.

- p. **Attempt to Circumvent Established Procedure** - May include any attempt to evade or otherwise circumvent established procedures.
- 3. Minor disciplinary reports shall be written by the staff member having the most direct and comprehensive knowledge of the violation and shall include all pertinent information regarding the violation.
- 4. No formal hearing is required. In accordance with institutional procedures, the staff member observing the violation and submitting the minor report is authorized to order allowable and reasonable sanctions.

Generally, the staff member shall discuss the violation with the offender at the time of the violation and, again, at the time the report and sanctions are served upon the offender. Minor reports are not to be written in lieu of a discussion of expectations with the offender. Minor reports are to be written as one part of the process of explaining expectations and consequences.

- 5. Institutional procedures may allow sanctions ordered to go into effect immediately.
- 6. During the minor report process, the offender shall be offered the opportunity for further review of the reported violation and any sanctions ordered. Institutional procedures may specify a review of documentation, including documentation submitted by the offender, a personal discussion with the review authority, or both. The purpose of the review is to ensure that evidence of the violation exists and that sanctions are used appropriately. The review authority may dismiss the report, reduce the report to informal corrective action, uphold the report and sanctions as ordered, reduce sanctions, enhance sanctions, or order the report to be re-written as a major report. Where sanctions are enhanced or the report is re-written as a major report, the offender shall be granted credit for any sanction that has been implemented.
- 7. Minor Report Sanctions

Each institution shall establish reasonable sanctions for use in the minor report process. These sanctions, any of which may be suspended in part or whole, may include:

- a. Assessed actual costs. Where actual costs are assessed, an itemized list of costs shall be included in the decision or attached to the decision with the offender receiving a copy. If actual costs are not known at the time of the imposition of the sanction, the offender shall the opportunity to challenge the assessed costs once they are available and provided to the offender. In accordance with IDOC Policy **AD-FD-11**, *Offender Funds*, an administrative overdraft fee of \$5.00 may be assessed for actual costs associated with processing an overdraft of an offender's financial account.

- b. Restriction to cell, room, housing unit, or living unit with or without job assignment for a maximum of 15 days per incident. Although institutional procedures may allow for no-contact visitation during the period of restriction; restriction to cell, room, housing unit, or living unit shall not otherwise affect the offender's visitation privileges. Institutional procedures may lengthen the term of restriction to off-set any hours spent in visitation.
- c. Added work assignments not to exceed 14 days per incident. Added work assignments are limited to assignments which would normally be performed within a three hour period. These assignments shall not be compensable by any work allowance.
- d. Reduction of allowance for work performed not to exceed seven days per incident.
- e. Loss of privileges for a maximum of 30 days per incident. Privilege losses shall not include visitation, mail, or O-Mail.
- f. Written assignments or thinking reports.
- g. Written Reprimand.
- h. Confiscation or disposition of contraband or other unauthorized material in accordance with IDOC Policy **IS-RO-03**, *Offender Personal Property*.
- i. Other sanctions consistent with the goal of achieving behavioral change.

#### **D. Major Report Procedures (Source: IDOC Policy IO-RD-03)**

NOTE: If, at any time in the process of writing, investigating, or hearing a major report, it is noted that a document and/or procedure is incorrect, the process shall be stopped and the process reinitiated. The existence of an issue needing correction does not require the dismissal of a major report.

#### **Preparing the Disciplinary Report**

1. As soon as a staff member or other person given authority over offenders becomes aware that a major infraction has occurred, that person shall prepare a disciplinary notice. The notice shall contain details of the infraction. In some cases involving potential serious violations committed by one or more offenders, staff members may

conduct an investigation into the potential violations. In such cases, the writing of any disciplinary notice may be delayed until the investigation is completed.

Note – There is no requirement that a major report be written or served within 24 hours of an incident.

2. The shift supervisor or other designated staff member shall:
  - a. Review the disciplinary report (notice).
  - b. Assist the author to complete or rewrite the disciplinary report when necessary.

### **The disciplinary notice**

1. The disciplinary notice shall contain the details of the infraction and shall list the appropriate rules alleged to have been broken by the offender. The disciplinary notice is considered the witness statement of the person who wrote the disciplinary notice.
2. Providing the offender with a copy of the disciplinary notice form shall serve as notice of alleged misconduct and, if a possession violation, Notice of Confiscation of the evidence.
3. A disciplinary report need not contain confidential information that could jeopardize individual safety or institutional security.
4. Factual statements in the narrative of a disciplinary report may be based on reliable hearsay from staff members or other persons.

### **Investigation**

1. This section applies only to the investigation which takes place following the writing and serving of the disciplinary notice. It does not apply to an investigation taking place before, and resulting in, the disciplinary notice.

The investigation of an approved disciplinary notice should begin promptly. The investigator conducting this investigation should not be a staff person involved in the reported violation as a witness to the alleged violation, as the report writer, or as the member of an investigative team that investigated the matter before the disciplinary notice was written. The investigator may provide evidence as to whether there are any mitigating or aggravating factors. Staff members who investigate approved disciplinary notices need not be full-time investigative staff. An investigation need not be redone if the person doing the investigation was not a direct witness to an incident, but finds out during the investigation that an offender wants to call that person as a witness.



2. The investigator shall interview the offender and any other persons who may have information regarding the incident as soon as is practical. The disciplinary notice shall serve as the witness statement of the reporting person.
3. If the investigator determines that the number of witnesses named by the offender would substantially burden the investigation and that some of the witnesses would be cumulative or irrelevant, the investigator may limit the number interviewed provided that the investigator records the reason for doing so.
4. Failure of the accused offender to name witnesses to be interviewed by the investigator may limit future opportunities of an offender to have a statement taken from such witnesses, unless the taking of a statement is directed by the ALJ or other reviewing institution official. The following reasons may support additional interviews:
  - a. The identity or existence of the witness was unknown prior to the offender's interview with the investigator.
  - b. That substantial prejudice will result without such witnesses.
  - c. Aggravating or mitigating factors.
5. The offender may present to the investigator evidence relative to the offender's defense.
6. Neither investigators nor other staff shall be required to perform any type of polygraph test at an offender's request.
7. The ALJ may review the disciplinary notice, the investigation materials and physical evidence prior to conducting a hearing. If the ALJ determines during that preliminary review that the record does not contain all required information (e.g. witness statements requested by an offender), the ALJ may contact the appropriate staff members directly and ask them to provide the appropriate information for the record. The ALJ may also issue a formal continuance to receive that information either before or during the hearing.
8. The offender may waive the right to be present at a hearing. If such a waiver is made by the offender, a decision shall be rendered by the Administrative Law Judge (ALJ) based on evidence contained in the disciplinary report and investigation. Such a waiver shall result in the offender's forfeiture of appearing at the hearing and of any appeal rights. The report investigator shall use *Hearing Waiver Form (IO-RD-03 F-5)* or similar form to record an offender's hearing waiver.

## Hearing Process

Note: If the offender believes a procedural error has occurred in the discipline process, the offender must address the issue at the hearing and/or through the appeal process.

1. The ALJ shall schedule the disciplinary hearing for a disciplinary report no sooner than 24 hours after an offender receives a written copy of the disciplinary notice (the "24-hour notice" period) to allow an offender to prepare for the hearing, unless the accused offender waives the 24-hour notice/preparation period. The hearing should be held, within seven working days (weekends and holidays excluded) following the date on which the offender received the Disciplinary Notice unless the ALJ determines that:
  - a. The offender is not available for a hearing due to medical or mental health reasons, or is away from the institution for a court appearance.
  - b. The offender can show cause for further investigation.
  - c. The ALJ continues the hearing for further investigation or other cause.
  - d. The offender's behavior in administrative segregation presents an imminent threat to staff safety.
  - e. Holding a hearing could or would undermine criminal investigation or prosecution by the County Attorney or other prosecuting attorney.
2. The ALJ may hold a hearing beyond seven working days with a continuance issued, unless the ALJ finds that the additional delay significantly compromised the ability of the offender to offer a defense to the allegation in the disciplinary notice.
3. The rules and time limits governing major reports and ALJ hearings may be lengthened in emergency situations or shortened if the warden or designee finds that a compelling reason justifies shortening the time limits.
4. No individual may serve as an ALJ if directly involved in the matter as a witness, investigator, or reporting staff member.
5. The disciplinary process does not allow offenders to confront or cross-examine witnesses. Thus, offenders have no right to hear or receive copies of witness statements, unless the ALJ determines that sharing of non-confidential information is appropriate. Because of the concerns for the safety of offender witnesses, all offender witness statements not shared by an ALJ are considered non-public documents that should not be available to other offenders at any time.

6. The offender and staff assistant, if designated, shall be permitted to offer evidence related to the disciplinary report including the presentation of documentary evidence or written witness statements. The ALJ may allow specific witnesses only as necessary to ensure a fair hearing. If specific evidence is rejected, the ALJ shall indicate the reasons in writing. The ALJ may request additional witness statements in order to make sure that the record is complete.
7. In the event the offender desires to have any witness appear in person at the disciplinary hearing, the offender must notify the investigator and identify the specific witnesses and the names of the witnesses at the time of the investigation. Allowing a witness to testify in person at a disciplinary hearing is a decision of the ALJ.
8. The offender shall not have a right to legal counsel during the hearing or appeal process. The ALJ is required to provide staff assistance for offenders where the complexity of the issue makes it unlikely that the offender is able to collect and present the evidence, where the offender's capacity does not allow adequate comprehension of the case, or where the offender is unable to adequately comprehend English.
9. If an offender is in a special needs or mental health status, the investigator must obtain a statement from a mental health professional as to the offender's responsibility for the offender's conduct as stated in the report.
10. Where confidential information is involved, the ALJ shall, when possible, view the evidence prior to meeting with the accused offender.
11. The ALJ shall hear the facts of the alleged violations, weigh the evidence, and make a ruling as to the disposition of the case using only information available to the ALJ through the hearing process. An ALJ can make decisions based on direct and circumstantial evidence and reasonable inferences from the evidence. ALJs shall be impartial.
12. The ALJ shall conduct the hearing on a disciplinary report:
  - a. Where procedures have not been followed correctly, the hearing shall be continued and the report remanded to correct defects prior to continuing with the disciplinary hearing. If necessary, a revised disciplinary notice shall be given to the offender and further investigation done before the hearing resumes.
  - b. If the offender has not previously given a statement, the ALJ shall give an opportunity to the offender to make a brief statement. The ALJ may limit an offender's statement if the statement contains irrelevant issues or becomes duplicative or repetitive.

- c. If the ALJ determines that a written hearing decision can be issued immediately following the hearing, then the ALJ shall excuse the offender and begin deliberations to determine whether the alleged rule violation(s) in fact occurred. Upon completing a written decision, the ALJ will call the offender back into the hearing and give the offender the written decision.
- d. In some cases, the ALJ may not be able to issue a hearing decision immediately after the hearing. In those instances, the ALJ shall prepare a written hearing decision within three working days after the hearing. A copy of the written hearing decision shall be given to the offender by a staff member. The ALJ may, but need not, indicate at the conclusion of the hearing what the ALJ expects the hearing decision to be. A subsequent written decision may differ from the oral announcement made by the ALJ, provided the written decision explains the reason for the change.
- e. The ALJ shall determine the class of the offense and any aggravating or mitigating circumstances. The findings of fact shall be made using the "some evidence" standard of proof.
- f. The ALJ shall review all pertinent evidence presented and may draw an adverse inference from the offender's hearing waiver or silence during the proceedings.

13. Offender Conduct at Hearings

- a. If the offender chooses not to attend a hearing or refuses to go to the place of the hearing, the ALJ shall make findings of fact documenting that the offender's actions constitute a waiver of the offender's right to be at the hearing.
- b. If an offender does not participate in a hearing (or does not appeal a hearing decision), the offender will be deemed to have failed to exhaust the administrative procedures and administrative remedies available to the offender.
- c. An offender appearing before the ALJ is subject to the rules of discipline in the same manner as at any other time. If the offender becomes so unruly at the disciplinary hearing that the hearing cannot be effectively continued, such conduct shall be treated as a refusal to appear at the hearing, and the hearing shall continue outside the offender's presence. The ALJ shall document the offender's behavior and make a finding regarding whether it constituted a waiver of the offender's hearing right.

14. Because an ALJ may conduct hearings at a location away from the institution where the offender is housed, the following modifications to the hearing procedures may be made in appropriate circumstances:

- a. An ALJ may conduct hearings via a video connection (the "IDOC Telejustice System"). If the Telejustice System is unavailable, the ALJ may conduct a hearing via telephone.
  - b. If there is physical evidence, the ALJ may review that evidence by any appropriate means, including review of photographs, scans, or video.
15. An offender may choose to appear at an ALJ hearing by written statement rather than in person. To do that, the offender must complete the *Appearance at Disciplinary Hearing by Written Statement Form (IO-RD-03 F-2)*. The offender's signature on that form must be witnessed by a staff member. Use of this form will still allow the offender to appeal an ALJ's hearing decision. An offender may submit that form at any time prior to an in-person hearing.

### **Use of Confidential Information**

1. The ALJ shall consider confidential documentary evidence or testimony reviewed outside the presence of the offender only, if after reviewing and/or hearing such evidence, the ALJ has:
  - a. Made a finding that the information is reliable; and
  - b. Made a finding that disclosure of the evidence to the offender would create a substantial risk of harm to individual safety or institutional security.
2. Confidential information shall not be reviewed with the offender. The statement of the evidence relied on shall indicate the reliance on confidential or omitted information.
3. Because videos from institutional security cameras can reveal limitation of the video system, all such videos are considered confidential and offenders shall not be allowed to review such videos.
4. The IDOC takes its responsibility to safeguard confidential information very seriously. Staff makes every effort to keep all information physically separated from other information and files. In addition, only staff that has a need to see any confidential information is allowed access to the information. The IDOC and the Attorney General's Office also seek to limit access to confidential information in all court proceedings.

### **Dismissed Reports/Expungement**

If the incident as charged in the disciplinary notice is dismissed, the disciplinary records of that incident shall be sent to the Inactive screen in ICON. Dismissal of alleged individual rule

violations constituting only part of the entire incident shall not require sending the file to the Inactive screen in ICON.

## **Appeals**

1. Because ALJs may not give the decisions to an offender at the conclusion of a hearing, each institution shall establish procedures for offenders to obtain forms to appeal an ALJ's hearing decision.
2. An appeal must be submitted within 24 hours of the date and time that an offender receives a copy of an ALJ hearing decision. The ALJ or another staff member shall offer the offender the disciplinary appeal form unless appeal rights have been forfeited by the offender.
3. In accordance with institutional procedures, if an offender takes an appeal, the sanctions shall be stayed pending an appeal decision by the Warden/Designee. If the offender declines to appeal, or to accept the appeal form, the sanction imposed by the ALJ shall then go into effect. If later, still within the 24 hour appeal time frame, the offender decides to appeal, the sanctions shall remain in effect.
4. Failure to appeal within the 24 hours shall result in the invocation of the decision of the ALJ. In addition, an offender may raise new issues regarding a disciplinary matter by filing a written request for further review to the Warden within 15 days of the ALJ's decision.
5. If an offender does not appeal an ALJ decision, then the offender has not exhausted the offender's administrative remedies regarding that decision and may not challenge the decision in later disciplinary matters. In particular, if an offender does not appeal a decision that has one or more suspended sanctions, the offender may not raise any challenge to the suspended sanction in a subsequent ALJ decision that imposes the suspended sanction. Similarly, if an offender does not appeal an ALJ decision, then the offender may not challenge that decision if it is used to enhance sanctions in later disciplinary matters.
6. The Warden/Designee shall respond to an appeal in writing within 15 calendar days from receipt of the appeal, or 15 calendar days from receipt of authorized supplemental information. The appeal to the Warden constitutes final agency action.
7. Time limits for appeals may be expanded by the Warden/Designee if exigent circumstances arise.
8. Upon remand of a case to the ALJ, the ALJ shall not impose any greater sanction than that imposed initially for that case.

9. Offenders are expected to fully participate in the ALJ hearing process in order to preserve all of their appeal rights. If an offender does not make any statement about the facts raised by a disciplinary notice during the investigation of the notice or at the ALJ hearing, then the offender may not raise factual issues as part of an appeal, but the offender may still raise issues regarding a sanction imposed. An offender may still raise factual issues raised by evidence that is newly discovered after the ALJ hearing is completed.

### **Procedures Following Potential Criminal Misconduct**

1. Any offender who may have violated a state or federal law while in custody shall be subject to criminal prosecution.
2. Where the Warden determines that a crime has or may have been committed that should be prosecuted, normal disciplinary action may still be taken promptly provided that the offender has been read the following warning prior to being interviewed by the investigator or other appropriate official and the offender has been informed that:
  - a. Criminal prosecution is possible;
  - b. The offender has the right to remain silent;
  - c. The offender's silence may be used against the offender in the disciplinary hearing; and
  - d. Anything the offender says may be used in criminal prosecution.

While many of the disciplinary rules are modeled after criminal statutes, the above warning need only be used when a matter involves conduct serious enough that it is highly probable that a criminal prosecution may be brought. The failure to give the above warning does not limit the use of any statements in any disciplinary proceedings, but may limit the use of such statements in any criminal proceeding.

3. The ALJ may continue discipline until criminal proceedings are resolved. After the dismissal, trial, or other disposition of criminal charges, any disciplinary proceeding still pending shall be conducted or concluded.

**E. Major Disciplinary Rules and Classes of Offenses**  
**(Source: IDOC Policy IO-RD-03)**

While it is impossible to define every possible prohibited act or rule violation, the following Major Infractions are prohibited in all IDOC institutions:

1. **Killing** - An offender commits killing when the offender non-accidentally causes the death of another person.

*Class "A" for all violations.*

2. **Assault** - An offender commits assault when the offender intentionally causes or An offender commits assault when the offender intentionally does any act that:

- a. Causes or threatens to cause pain or injury to another person or which is intended to result in physical contact which will be insulting or offensive to another person.
- b. Applies any physical force or offensive substance (i.e. feces, urine, saliva, mucous) or any other item against any person regardless of whether pain or injury occurs.

*Class "A" for assaults on a staff person or if a weapon or potentially infectious bodily fluids, secretions, tissue, or excrement have been used; Class "B" for all other violations.*

3. **Kidnapping** - An offender commits kidnapping when the offender seizes, carries, forces, entices, or in any other manner moves any person from one place to another, or confines another without the person's consent.

*Class "A" for all violations.*

4. **Extortion, Blackmail, Protections (strong-arming)** - An offender commits an offense under this subsection when the offender demands or receives money or anything of value in return for:

- a. Providing protection from others.
- b. Refraining from violent or sexual activity.
- c. Refraining from informing on another.
- d. Acting as a "middleman" for someone engaged in any of this activity shall also be punishable under this subsection.



*Class "B" for all violations.*

5. **Escape** - An offender commits an offense under this subsection when the offender:
- a. Without proper authority evades a place of confinement.
  - b. Fails to return from an authorized temporary absence such as furlough.
  - c. Fails to comply with a work agreement outside the institution by leaving a place of work without authority or by failing to return at the required time.
  - d. Evades custody while being transported.

*Class "A" for all violations.*

6. **Rioting** - An offender commits an offense under this subsection when the offender:
- a. With two or more persons, participates in conduct that creates danger of damage or injury to property or persons and substantially obstructs the performance of the institution functions.
  - b. Urges or organizes two or more offenders to intentionally engage in a riot, and such incitement is likely to produce a riot, or once a riot begins, the offender assumes a position of command or instruction in furtherance of the riot.
  - c. Fails to return to the offender's own cell in a riot situation upon instruction from staff or upon hearing the riot "whistle."

*Class "A" for all violations.*

7. **Arson** - An offender commits arson when the offender intentionally sets fire to, burns, causes to be burned, or by the use of any explosive or combustible device, damages or destroys, or causes to be damaged or destroyed, any structure or property.

*Class "A" if the act occurs in an occupied dwelling; Class "B" for any other violations.*

8. **Robbery** - An offender commits robbery when the offender uses or threatens the use of physical force upon another person for the purpose of:
- a. Preventing or overcoming resistance to the taking of property or to the retention thereof immediately after the taking.

- b. Compelling the owner of such property or another person to deliver the property.
- c. The ALJ may modify an alleged violation to this rule to theft under Rule 18.

*Class "A" if a weapon has been used; Class "B" for all other violations.*

- 9. **Possession of Dangerous Contraband** - An offender commits an offense under this subsection when the offender possesses, uses, or has under the offender's control or in the offender's custody an item considered dangerous contraband.

*Class "B" if life threatening; Class "C" for all other violations.*

- 10. **Dealing in Dangerous Drugs/Intoxicants** - An offender commits an offense under this subsection when the offender sells or gives away any quantity of dangerous drugs or intoxicants. Also includes introduction into the institution with intent to sell or give away any quantity of dangerous drugs or intoxicants.

*Class "B" for all violations.*

- 11. **Criminal or Unlawful Conduct** - An offender commits an offense under this subsection if an offender plans, participates, assists, condones, or encourages others to violate a state or federal law or an existing court order, whether the offense is or will be committed inside or outside the institution and whether the offense actually occurs. The law violated maybe a state or federal criminal or civil law.

*Class "B" for all violations.*

- 12. **Possession of Key or Key Pattern** - An offender commits an offense under this subsection when the offender possesses a key or key pattern to any lock. A key pattern is any substance upon which the impression of a key is made. This offense shall not prohibit possession of keys or shape authorized by the Warden.

*Class "A" for possession of a key or pattern of a key that could breach the institution's perimeter; Class "B" for all other violations.*

- 13. **Fighting** - An offender commits fighting when the offender engages in a physical altercation including the exchange of blows, shoves, kicks, or other offensive physical conduct. The physical contact need not be in anger.

*Class "B" if weapon is used; Class "C" for all other violations.*

- 14. **Threats/Intimidation** - An offender commits a threat when the offender communicates a determination or intent to injure another person or to commit a crime

of violence or an unlawful act dangerous to human life, and the probable consequence of such threat or threats (whether or not such consequence, in fact, occurs) is:

- a. To place another person in fear of bodily injury.
- b. To cause damage to property.
- c. Is to take place in the future after released from confinement.

It shall be an offense under this subsection for any offender to intentionally compel or induce another to engage in conduct from which the latter has a legal right to abstain or to abstain from conduct in which there is a legal right to engage, by means of conduct described in this subsection. It shall also be punishable under this section to intimidate another from behaving in such manner, either through express or implied words or actions.

*Class "B" for threats to kill, rape, sexually assault, or use of weapon; Class "C" for all other violations.*

15. **Sexual Misconduct** - An offender commits an offense under this subsection when the offender:

- a. Proposes a consensual sexual contact or sexual relationship with another person through gestures, such as, kissing, petting, etc., or by written or oral communications or engages in a consensual sexual contact or relationship. An offender may be disciplined for proposing a consensual sexual contact or sexual relationship with staff only upon a finding that the staff member did not explicitly or implicitly consent to or encourage such a proposal. **(PREA 115.78(e))**
- b. Encourages or does not stop a visitor from exposing the visitor's genitals, buttocks, pubic areas, breasts, or under garments to view by an offender.
- c. Takes part in an indecent exposure. Indecent exposure includes, but is not limited to, offensive exposure of the genitals or pubic areas in a manner designed to be seen by another person.
- d. Makes or uses gestures of a sexual nature designed to cause, or capable of causing, embarrassment or offense to another person.
- e. Masturbates or touches himself or herself sexually while looking at a staff member, volunteer, or other offender. This shall be a violation even if the person being looked at is unaware of the offender's action.

- f. Sexually harasses a staff member, offender, volunteer, contractor, visitor, or an off-grounds worker.
- g. Watches another offender masturbate or touch himself or herself in a sexual manner for the sexual arousal or pleasure of one or both offenders.
- h. Possesses a written proposal for sexual contact with another offender after having had time to dispose of the written proposal.

*Class "C" for all violations.*

16. **Unauthorized Possession/Exchange** - An offender commits an offense under this subsection if the offender has in possession on the offender's person, in the offender's cell or domicile, in the offender's immediate sleeping area, locker, or immediate place of work or other program assignment; or receives from or gives to another offender, or fashions or manufactures or introduces, or arranges to introduce into the institution any unauthorized item(s) delineated as contraband including, but not limited, to:
- a. Locks, lock picks, trip wires, locking devices, chain, hooks, metal cutting saws or devices, files, rope, ladder, tool(s), or diagrams, or other items which could be used to jeopardize security.
  - b. Mask, wig, or disguise or any other means of altering normal physical appearance which would make ready identification of an offender difficult.
  - c. Mannequin, dummy, replica of a human body, human hair, or any item or device which would cause any offender to be counted as being present at a designated time and place when, in fact, the offender would be absent; or in any way would aid or abet the escape or walk away of an offender.
  - d. Form of securities, bonds, coins, currency, legal tender, official papers, or documents (other than those pertaining to judicial or administrative proceedings) unless expressly and specifically authorized.
  - e. Item of an officer's uniform, civilian clothing, or staff clothing or imitation including badges, buttons, name tags, or items of personal identification unless expressly and specifically authorized.
  - f. Food or drink unless expressly and specifically authorized. Food or drink commissary or vending items shall be authorized for a period of only 90 days from their delivery date, unless institution rules specify a different period.
  - g. Property belonging to someone else or anything not authorized. An item is deemed to be not authorized if it is not properly marked or engraved as

required by institutional rules. Items that may be ordered through commissary are only authorized to the extent that the items or the quantity of an item is specifically allowed by an institution's rules.

- h. Exceeding limits of authorized possessions or possessing any item in a location where such an item is not allowed.
- i. Altered authorized/unauthorized property; to include, but not limited to, altering electrical items which results in the ability of that item to produce heat or an electrical spark. Altered property includes items intentionally altered or any broken items. Property is also considered to be unauthorized if stored in non-original packaging or packaging without an original label, unless institutional procedures allow such storage.
- j. Jigger string, pole, or any other device used to send or retrieve an object from one cell or location to another, or to pass notes or any other object from one place to another.
- k. Jigger mirror, usually a piece of broken mirror, glass, or any other reflective object used to look into another cell, down a range, or any other location.
- l. Documents, materials, graffiti, photographs, artwork, clothing, or any other item depicting any form of gang relationship, affiliation, or membership.
- m. Any form of tobacco and any smoking related materials.
- n. Prohibited Communication/Electronic Devices.
- o. Legal documents or draft legal documents that belong to another offender unless permitted by written institutional policy.
- p. The transfer or exchange of any property or item of value or the direct or indirect exchange of money or a money substitute, such as a Debit card. Transfers between offenders through third-parties, including through persons outside an institution, are prohibited by this provision.
- q. The possession of any type of fantasy sports game or league materials, fantasy role-playing game, or homemade fantasy board or card game, unless allowed by institutional procedure.

*Class "B" for security items; Class "C" for all other violations.*

17. **Damage to Property** - An offender commits an offense under this subsection by intentionally or negligently causing damage to property of another person or of the

State such as tampering with electronic, mechanical, or plumbing devices or fixtures. This also includes damage to property resulting from other misconduct, (i.e., fighting, roughhousing, theft, disruptive conduct, etc.).

*Class "D" for all violations.*

18. **Theft** - An offender commits theft when the offender knowingly obtains or exercises control over property without authorization, intending to deprive the rightful owner of the use or benefit of the property. This rule also covers possessing property which an offender knows or should know was stolen.

*Class "C" for all violations.*

19. **Tampering/Interfering with Locks or Security Items** - An offender commits an offense under this subsection when the offender:

- a. Without authorization, locks, unlocks, alters or interferes in any way with any lock, locking system, or security item within the institution.
- b. Uses any unauthorized lock or security item.

*Class "B" for all violations.*

20. **Possession/Manufacture of Drugs, Intoxicants** - An offender commits an offense under this subsection if the offender makes, hides, consumes, inhales, or possesses:

- a. Any quantity of unauthorized dangerous drugs or alcohol.
- b. A syringe or other implement capable of injecting a substance under the skin of an individual or an article, equipment, or apparatus for the use or manufacture of a drug, intoxicant, or a volatile substance. This rule ALSO covers possession of any precursor substances for making unauthorized drugs or alcohol, such as baker's yeast or fermenting fruity liquids used to make homemade alcohol.
- c. Recipes for intoxicants or any description of any of the steps used to manufacture any dangerous drugs or intoxicants.
- d. An offender with a positive urinalysis, blood test, or breath test shall be presumed to be in possession of the drug or intoxicant for which tested. The offender must provide a urine sample within two hours of the request. Failure to provide the requested sample immediately as well as provide sufficient quantity to test, shall constitute a violation of this rule. The institution may

choose to segregate or isolate the offender immediately upon a positive test or failure to provide a sufficient sample. All testing done for drugs or intoxicants must conform to the requirements of IDOC Policy **IO-SC-21**, *Offender Substance Abuse Testing*.

*Class "B" for all violations.*

21. **Medication Violations** - An offender commits an offense under this subsection when:

- a. The offender fails to follow the prescription or direction for any medication or fails to follow the rules governing self-administered medications.
- b. The offender stores, saves, removes, gives, or receives any medication.
- c. The offender is repeatedly late for or repeatedly misses scheduled pill lines.

*Class "C" for all non-pill attendance line violations; class "D" for all pill line attendance violations.*

22. **Refusal or Failing to Work** - An offender commits an offense under this subsection when the offender:

- a. Refuses to perform work assigned or refuses to report to work, or quits an assigned job.
- b. Fails to perform work as instructed by a supervisor.

*Class "C" for all violations.*

23. **Disobeying a Lawful Order/Direction** - An offender commits an offense under this subsection when the offender:

- a. Fails to obey a written rule or posted order.
- b. Fails to obey a verbal order given by any person in authority or staff of the institution.
- c. Interferes with or circumvents established procedures.

Orders shall be reasonable in nature and give reasonable notice of the conduct expected. If the alleged conduct involves violation of a rule or posted order not classified as a major rule, the disciplinary notice as well as the ALJ's decision must

state adequate reasons (e.g. repetition or severity of the infraction) in addition to the infraction to justify this rule's sanctions.

*Class "C" for all violations.*

24. **Violating a Condition of Leave/Furlough** - An offender commits an offense under this subsection when the offender fails to comply with any condition of a leave, including a leave to perform work away from the institution, or furlough from the institution.

*Class "B" for violations involving security issues; Class "C" for all other violations.*

25. **Out of Place of Assignment** - An offender commits an offense under this subsection when the offender without proper authority:

- a. Fails to report, as prescribed, to the appointed place of duty or assignment or any other place to which directed to proceed by an order of an employee of the IDOC or by order of institution regulations.
- b. Departs from the appointed place of duty or assignment or any place where the offender was directed to remain by an order of an employee of the IDOC or by an order of institution regulations.
- c. Is present in an unauthorized area or in an area in which the offender currently lacks permission to be present.

*Class "B" for violations involving security issues; Class "C" for all other violations.*

26. **Verbal Abuse** - An offender commits an offense under this subsection when the offender subjects another person to abusive, defamatory, insolent, or disrespectful language or remarks whether written or oral, or abusive, defamatory, insolent, or disrespectful gestures. It is also a violation if the language or gesture was directed at one person, but was overheard or seen by another person.

*Class "C" for all violations.*

27. **Obstructive/Disruptive Conduct** - An offender commits an offense under this subsection when the offender:

- a. Transmits through any form of communication, threats, demands, or suggestions which advocate or could cause disruption of operations of any segment of an institution; including, but not limited to, gestures, actions, words, or any other type of signals, either verbal, nonverbal, or in written communication.



- b. Interferes with staff duties or investigation.
- c. Engages in conduct which disrupts or interferes with the security, tranquility, or orderly running of an institution including, but not limited to, "horseplay;" roughhousing, interfering with a search, making false fire alarms, participating in unauthorized meetings, gatherings, or petitioning, throwing food, liquid, or other objects, spitting, encouraging others to refuse to work or participate in work stoppage, engaging in, or encouraging a group demonstration, jumping lines, smoking or chewing tobacco, etc.
- d. Acts as a jigger or lookout for others or uses a form of communication to create a diversion to avoid detection or observation.
- e. Proposes, suggests, or participates (orally, in writing, or by actions) in any activity with staff member(s) which interferes with, has the potential to interfere with, or compromises that staff member's judgment, responsibilities, or duties. This prohibition covers communications of love or affection for a staff member or seeking to establish a friendship or relationship after the offenders gets out of prison.
- f. Destroys, damages, or hides any potential evidence of a possible rule violation.
- g. Smuggles into an institution, transport vehicle, or off-grounds work location, any items that are considered contraband for offenders to possess or use. This prohibition covers any offender who actually brings in such contraband and any offender who helps or supports such smuggling. Providing money or items of value, directly or indirectly, to purchase items to be smuggled or to pay someone to smuggle items is also a violation of this provision.

*Class "B" for violations involving security issues; Class "C" for all other violations.*

28. **Counterfeiting, Forging** - An offender commits an offense under this subsection when the offender counterfeits, forges, or reproduces without authorization, any document, article of identification, money, security, or official paper and includes unauthorized use of an official document or paper.

*Class "C" for violations involving security issues; Class "D" for all other violations.*

29. **Being Intoxicated or Under the Influence** - An offender commits an offense under this subsection when the offender uses or is found to be intoxicated or under the influence of drugs, dangerous drugs, and intoxicants.

*Class "B" for all violations.*

30. **Gambling, Debts, etc.** - An offender commits an offense under this subsection when the offender:

- a. Plays for money, services, or other things of value at any game including, but not limited to, those played with cards or dice.
- b. Bets on the side or hand of those playing.
- c. Bets anything of value on the outcome of any observable event or ascertainable happening.
- d. Organizes, conducts, or participates in any game of chance, lottery, betting pool, or other similar device.
- e. Incurs debts.
- f. Possesses in any manner debt lists.
- g. Possesses in any manner gambling paraphernalia.
- h. Playing of any games that are predominately gambling games, such as poker, blackjack, or craps. Institutional procedure may allow the playing of such games in general or at specified time and may also designate other gambling games that are prohibited.

*Class "C" violations involving security issues; Class "D" for all other violations.*

31. **Attempted Suicide, Self-Mutilation** - An offender commits an offense under this subsection by attempting suicide, causing self-mutilation, or other destruction.

*Class "C" for all violations.*

32. **Bribery** - An offender commits an offense under this subsection when the offender offers to confer, confers, or agrees to confer anything of value upon another person with the intent to influence that person's exercise of discretion or other action in any official capacity in an attempt to gain special favors.

*Class "C" for all violations.*

33. **Bartering, Selling Goods or Services, Etc.** - An offender commits an offense under this subsection when the offender:

- a. Is in violation of laws, rules, or policies regarding the transfer or ownership of property.
- b. Barters, loans, gives, exchanges, accepts, sells or buys things of value including, but not limited to, those items sold in the commissary, clothing, housing furnishings, art and craft items.
- c. Transfers or attempts to transfer or accepts transfer of funds from one offender to another offender, either directly or through another person.
- d. Agrees to perform or receive services, including legal work, for anything of value or in return for services.

*Class "C" for all violations.*

34. **Entering into Contracts/Agreements, Operating Businesses** - An offender commits an offense under this subsection when the offender enters a contract, unauthorized agreement, or engages in a business without the prior written approval of the Warden.

*Class "D" for all violations.*

35. **False Statements** - An offender commits an offense under this subsection when the offender knowingly makes a false statement whether or not under oath or affirmation including, but not limited to, dishonesty, deception, cheating, plagiarism, etc. A report of sexual assault or sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying (or any other violation of this rule), even if an investigation does not establish evidence sufficient to substantiate the allegation. **(PREA 115.78(f))**

*Class "D" for all violations.*

36. **Refusal or Failing to Participate in Treatment** - An offender commits an offense under this subsection when the offender:

- a. Refuses to follow through with prescribed or required treatment or other programs.
- b. Fails to participate in prescribed or required treatment or other programs as instructed.

Note: The disciplinary notice and/or the record provided to the ALJ should demonstrate that the appropriate staff actions described in IDOC Policy **IS-CL-03**,

*Case Planning Procedures*, regarding required treatment or other programs were done prior to the writing of the disciplinary notice.

*Class "B" violation for all refusals or terminations involving required treatment classes; Class "C" for all other violations.*

37. **Habitual Minor Offender** - An offender commits the offense of a habitual minor offender if the offender is repeatedly found in violation of Minor Rules. The number of offenses and prescribed time frame shall be seven minor reports within a 60 day time period.

*Class "D" for all violations.*

38. **Adulteration of Food or Drink** - An offender commits an offense under this subsection by introducing any foreign substance or contaminant into any food or drink meant to be consumed by one or more other persons.

*Class "B" for all violations.*

39. **Safety, Sanitation, Tattooing, and Piercing** - An offender commits an offense under this subsection when the offender:

- a. Uses any equipment or engages in any practices contrary to written or verbal safety instructions including, but not limited to, possession or use of any item that punctures or causes bleeding, either self-inflicted, inflicted on another offender, or inflicted by another offender. This prohibition covers giving and receiving tattoos or body piercings, or using any object to keep open an existing piercing.
- b. Is unsanitary or untidy, (i.e., one's person, living quarters, work areas, etc.) including, but not limited to, failure to place clothing, towels, linens, rags, or paper items contaminated with blood or body fluids, body waste, or substances into a protocol bag designed for such use and notify the proper authority of such contamination and incident.
- c. Improper disposal of any body waste, substance, or fluid, i.e., spitting or throwing.

*Class "C" for violations involving health/security issues; "D" for all other violations.*

40. **Misuse of Mail, O-Mail, Telephone, or Other Communications** - An offender commits an offense under this subsection when the offender:

- a. Fails to follow institutional procedures, regulations or instructions, written or verbal, while communicating with another person such as through the mail, O-Mail, kites or Kiosk messages, or telephones, or uses another form of communication without proper authorization, or includes or uses coded messages or symbols in any communication.
- b. It is also a violation of this rule to use an authorized form of communication to further any violation of one of the other disciplinary rules.

*Class "C" for all violations.*

41. **Inappropriate Sexual Conduct and Sexual Violence** – An offender commits an offense under this subsection when the offender commits an act against another person of sexual abuse or sexual assault, or sexual exploitation, as defined below. Sexual violence also includes repeated non-consensual sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one offender towards another offender.

- a. Sexual Abuse – The non-consensual contact of another person that consists of:
  - (1.) Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of the other person.
  - (2.) Ejaculating onto another person.
  - (3.) Forcing an offender to watch a sex act or a person masturbate.
  - (4.) Contact incidental to a physical altercation with no sexual intent for the contact is excluded.
- b. Sexual Assault – The non-consensual contact of another person that consists of:
  - (1.) Contact between genitalia or between genitalia and anus including penetration, however slight; or
  - (2.) Contact between the mouth and genitalia or anus; or
  - (3.) Penetration of the anal or genital opening by the hand, finger, or other object.
- c. Sexual Exploitation – The non-consensual contact of an exploited offender with a third party arranged by or coerced by an offender. The exploitation may be

in exchange for some benefit received by the first offender from the third party ("pimping"). The benefit received need not consist of something with a monetary value.

- d. Contact is considered non-consensual if:
  - (1.) The other person does not expressly agree to the offender's contact.
  - (2.) The offender impairs the other person in attempt to control that person's conduct by administering or employing drugs, intoxicants, or similar means.
  - (3.) The offender compels the other person to submit by threats of violence or other forms of coercion.
  - (4.) The other person suffers from a mental disease, defect, or inadequacy, which renders that person incapable of understanding the nature of the contact or of being aware of the nature of the contact.
  - (5.) The other person is unconscious or otherwise incapable of resisting the contact.

*Class "A" if weapon used, victim exposed to potentially infectious bodily fluids, secretions, tissue, or excrement, or the victim suffers an injury; Class "B" for all other violations. (PREA 115.6, 78(g))*

- 42. **Security Threat Groups** - An offender commits an offense under this subsection when the offender:
  - a. Originates, promotes, participates in, recruits for, etc., any unauthorized group, organization, gang, clique, association, etc.
  - b. Communicates involvement in any unauthorized groups through written or verbal means, physical appearance, hand signs, symbols, photographs, association with others, etc.
  - c. Possesses, creates, reproduces, or transmits any materials related to unauthorized group/gang activities.

*Class "B" for all violations.*

- 43. **Attempt or Complicity** - An offender commits an offense under this subsection when the offender attempts any of the listed offenses or is in complicity with others

who are committing or attempting to commit any of the listed offenses. The relevant offense(s) involved shall be itemized in the disciplinary notice.

*Class determined by the offense the attempt or complicity relates to.*

## **F. Major Report Sanctions (Source: IDOC Policy IO-RD-03)**

### **Available Sanctions for Major Rule Violations**

Upon a finding of guilt, the ALJ shall specify the class of the violation taking into consideration any aggravating or mitigating circumstances. The normal sanction class is listed above for each of the major infractions. The ALJ can increase or decrease the offense class in appropriate situations. Any or all of the sanctions listed for a given class may be imposed by the ALJ:

#### **1. Class A**

- a. Loss of earned time/good time not to exceed 365 days.
- b. Disciplinary detention up to 60 days for serious or dangerous violence or 90 days for multiple class A offenses.
- c. Loss or modification of any or all privileges including but not limited to, canteen privileges (not including personal hygiene items), visiting privileges, allowance for work performed, access to jobs and programs, not to exceed 365 days.
- d. Assess actual costs.
- e. Suspend honor contract (for offenders committed before July 1, 1983).
- f. Suspend all or part of the sanctions up to 90 days.
- g. Any sanction available on any lesser class offense.

#### **2. Class B**

- a. Loss of earned time/good time not to exceed 180 days.
- b. Disciplinary detention up to 45 days for serious or dangerous violence or 30 days for all other offenses.

- c. Loss or modification of any or all privileges including, but not limited to, canteen privileges (not including personal hygiene items), visiting privileges, allowance for work performed, access to jobs and programs, not to exceed 180 days.
- d. Restriction to the cell/unit up to 30 days. (May or may not include routine activities).
- e. Assess actual costs.
- f. Extra duty not to exceed 45 days.
- g. Special conditions (alcohol treatment, drug treatment, referral to classification committee, anger management, etc.).
- h. Reprimand.
- i. Suspend honor contract (for offenders committed before July 1, 1983).
- j. Suspend all or part of the sanctions up to 90 days.
- k. Any sanction available on any lesser class offense.

3. **Class C**

- a. Loss of earned time/good time not to exceed 30 days.
- b. Disciplinary detention up to 15 days.
- c. Loss or modification of any or all privileges including, but not limited to, canteen privileges (not including personal hygiene items), visiting privileges, allowance for work performed, access to jobs and programs, not to exceed 90 days.
- d. Restriction to the cell/unit up to 21 days (May or may not include routine activities.).
- e. Assess actual costs.
- f. Extra duty not to exceed 30 days.
- g. Special conditions (alcohol treatment, drug treatment, referral to classification committee, anger management, etc.).
- h. Reprimand.



- i. Suspend all or part of the sanctions up to 90 days.
- j. Any sanction available on any lesser class offense.

4. **Class D**

- a. Loss of earned time/good time not to exceed 16 days.
- b. Disciplinary detention up to 5 days.
- c. Loss or modification of any or all privileges including, but not limited to, canteen privileges (not including personal hygiene items), visiting privileges, allowance for work performed, access to jobs and programs, not to exceed 30 days.
- d. Restriction to the cell/unit up to 14 days. (May or may not include routine activities.).
- e. Assess actual costs.
- f. Extra duty not to exceed 15 days.
- g. Written assignments.
- h. Special conditions (alcohol treatment, drug treatment, referral to classification committee, anger management, etc.).
- i. Reprimand.
- j. Suspend all or part of the sanctions up to 90 days.
- k. Disposition of evidence.

In accordance with the provisions of IDOC Policy **IO-RD-03**, an offender may lose all accumulated earned time or good time for certain serious infractions.

The ALJ may reduce the classification of any rule violation from a major offense to a minor offense if documented unique factors make such a reduction appropriate. In such a case, the ALJ may impose one or more of the minor report sanctions allowed under IDOC Policy **IO-RD-02** or allowed by an institutions minor report procedure.

When an ALJ's hearing decision reduces a major report to a minor report, the ALJ's decision shall be the final decision on the matter. An offender will not have the right to appeal such a decision.

## Loss of Earned Time/Good Time

1. For offenders serving sentences for OFFENSES COMMITTED PRIOR TO JULY 1, 1983, **Section 246.41 of the 1983 Iowa Code** requires the following sanctions for violation of a major rule:

"An offender who violates any of such rules (of discipline) shall forfeit the reduction of sentence earned as follows:

- a. For the first violation, two days.
  - b. For the second violation, four days.
  - c. For the third violation, eight days.
  - d. For the fourth violation, 16 days and in addition, whatever number of days more than the one that the offender is in punishment (disciplinary detention).
  - e. For the fifth and each subsequent violation, or for escape or attempt to escape, the Warden shall have the power, with the approval of the Director, to deprive the offender of any portion or all of the good time that may have been earned."
2. Whenever the ALJ desires to take from the offender more than the number of days of good time specified in the **1983 Iowa Code, Section 246.41(4)**, as a result of an offender's fifth or subsequent infraction, the ALJ shall note the maximum amount that should be taken in the decision. The same applies whenever the ALJ believes that more than the amount specified by the number of the infraction should be taken as a result of an escape or attempted escape. Actual removal of extra time pursuant to **Section 246.41(5), 1983 Code of Iowa**, requires approval of the Warden and the Director.
  3. Each offender serving a sentence for an OFFENSE COMMITTED ON OR AFTER JULY 1, 1983, may forfeit earned time within the class for each major violation, except as noted below. The loss of earned time shall be determined by the ALJ, and the ALJ's view of the seriousness of the misconduct.
    - a. In cases of escape, attempted escape, and serious or dangerous violence resulting in serious physical injury or loss of life, the ALJ may recommend a loss of any or all accumulated earned time. Such recommendations shall be subject to review by the Director of IDOC/Designee.
    - b. The ALJ shall specify an amount of earned time to be forfeited consistent with the sanctions available under this policy for the class of the infraction.

- c. Any suspended sanctions, which an offender may have received for previous reports, shall be counted towards the number of violations used in determining the amount of earned time to be taken for all future violations.
4. Whenever an offender is found guilty of a major infraction, which is not suspended, the offender may lose the amount of earned time consistent with the statute and this policy. The supervisor of the records for the institution shall be responsible for computing the loss of time within a reasonable amount of time after the ALJ finds an offender guilty of a major infraction, determine the offender's new discharge date, and inform the offender of the loss of time and new discharge date.

### **Meritorious Earned Time/Good Time**

Earned Time/Good Time, which has been restored by the Director resulting from meritorious service by an offender, is not subject to sanctions by the ALJ.

### **Sanctions – General Rules**

1. When the ALJ finds that an offender has violated a rule as set forth in this policy, the ALJ shall impose one or more sanctions consistent with the sanctions available under the class of offense, in proportion to the seriousness of the infractions involved. Sanctions shall be explicit as to nature, extent, and duration, and are to be run consecutive with other sanctions, unless otherwise noted by the ALJ. If the ALJ finds that an offender violated more than one major infraction rule, the ALJ may impose consecutive sanctions for each rule violation within a single hearing decision. The ALJ shall also impose sanctions that prevent an offender from benefitting due to the offender's violation of the rules.
2. In imposing sanctions, the ALJ shall give consideration to those conditions that maximize the opportunity for behavioral change. The ALJ may also recognize the circumstances that occurred after the original incident by giving the offender full or partial credit towards any sanction (other than loss of earned time/good time). The ALJ will note the giving of any credit in the Hearing Decision.
3. The ALJ is authorized to suspend any or all sanctions. Upon a subsequent finding of guilt for another disciplinary report, the ALJ may, but need not, impose the suspended sanctions. The ALJ may also specify particular conditions related to a future report that shall result in the imposition of a suspended sanction. If suspended sanctions from a prior hearing decision are imposed in addition to the sanctions imposed for the current hearing decision, the total sanctions can exceed the sanctions authorized for the current violation class without aggravating the violation to the next violation class.

#### 4. Disciplinary Detention

- a. The amount of time ordered in disciplinary detention should be proportionate to the offense(s)/violation(s) taking into consideration the offender's prior conduct, specific program needs, and other relevant factors.
- b. IDOC Policy **IO-HO-07**, *Disciplinary Detention* shall govern the permitted length of continuous disciplinary detention, the type and schedule for periodic reviews of offenders in disciplinary detention, and the conditions of confinement of offenders placed in disciplinary detention.
- c. For offenders placed in special needs housing because of mental health, developmental or medical disabilities, the use of DD time is not recommended. In lieu of DD time, the ALJ should defer to the special needs unit treatment team for proper sanction/disposition.

#### 5. Assessing Costs

- a. In addition to imposing any other sanctions, the ALJ may assess costs for damages to property, theft, and any other costs related to a rule violation, investigation, or disciplinary hearing. The amounts assessed should be calculated to cover any losses incurred by any person, by an institution, or by the IDOC. If more than one offender is responsible for a cost, the ALJ shall specify the percentage or amount that each offender shall be responsible for. In most cases, the costs should be split equally, unless the ALJ finds that the facts support a different distribution of the costs. In appropriate cases, the ALJ may impose costs on several offenders using joint and several liability. In imposing joint and several liability, the ALJ shall not be limited to using comparative fault when the underlying actions were done intentionally.
- b. When an item is damaged, the cost imposed shall be the repair costs. If an item is destroyed or cannot be repaired, then the cost imposed shall be the cost for replacing the item. When calculating replacement costs, the depreciated or salvage value of the original item need not be taken into account. Other costs shall be the actual incurred costs. If the actual cost cannot be readily ascertained, an estimate of the cost may be used.
- c. The following are examples of the type of violations for which costs may be imposed as part of a disciplinary hearing.
  - (1.) Injury to another offender, staff, visitor or self (assaults, fights, use of force, attempted suicide, violation or work rules, etc.)

- a) Cost of local hospital, ambulance and University of Iowa Hospitals & Clinics (UIHC), staff overtime, vehicle mileage, etc.
  - b) A \$5.00 fee in addition to any other medical costs assessed for trips to the UIHC or a local hospital caused by an offender's self-injurious behavior, willful neglect, etc.
  - c) If a staff member is injured and is away from work for any period, then the offender may be charged for any or all of the following:
    - i. Any extra costs incurred by the institution to have other staff cover the work that cannot be performed by the injured person;
    - ii. Any workers compensation costs associated with the injury to the staff member;
    - iii. Any additional costs paid by the institution to the injured staff member while they are away from work, including vacation or sick leave costs needed to allow the injured staff member to be fully paid while convalescing.
- (2.) Damage to state property (cell, mattress, furniture, bedding, clothing, headphones, radios, rental TVs, etc.)
- (3.) Damage to offender and/or employee property.
- (4.) Theft or attempted theft from offenders, staff, visitors, institutions, e.g., food from Food Services, commissary items, supplies, adulteration of food, etc.
- (5.) Actions resulting in special staff costs, e.g. investigations, escape, etc.
- (6.) Lost offender work allowances through misconduct of another.
- d. If known at the time of a disciplinary hearing, an itemized list of costs shall be included in the disciplinary hearing decision or attached to the hearing decision with the offender receiving a copy. If itemized costs would disclose confidential information, then offenders shall receive a certified list of costs that excludes the confidential information.
- e. When actual costs are assessed, documentation of the costs, such as a copy of the hearing decision or a store order, shall be processed through the Business Office.

- f. In some cases the amount of costs or damages will not be known at the time of the original hearing. In other cases, the existence of certain costs or damages may not be known at the time of the original disciplinary hearing. In either case, once the cost information becomes available an offender must be given written notice of the costs and have an opportunity to request a hearing regarding the reasonableness of the costs. An offender who waived the offender's hearing right in the original proceeding will still have the right to request a cost hearing.
  - (1.) If an offender requests a hearing within seven calendar days after receiving the written notice of costs, the ALJ shall hold a hearing on whether the assessed costs are reasonable. The hearing will be conducted using the same procedures used to conduct other disciplinary hearings. Such a hearing will be limited to the reasonableness of the costs to be imposed. Any prior decision about the imposition of costs cannot be reopened by a cost hearing, but will be considered to have been settled and finalized by the earlier disciplinary hearing and appeal.
  - (2.) If an offender does not request a hearing or indicates after receiving the notice that the offender does not want a cost hearing, then the ALJ shall issue a decision without the offender's participation in the cost hearing.
  - (3.) If an offender requests a hearing, that offender may file an appeal of the ALJ's decision using the same procedure as used for other disciplinary hearing decisions. Such an appeal will be limited to cost issues only. If the offender does not request a hearing, the offender may not appeal the ALJ's decision determining cost.

6. Collection of Money

- a. Collection of money will be done in accordance with IDOC Policy **AD-FM-11**, *Offender Funds*, and the policies and procedures established for the Business Office at each institution.
- b. When an offender transfers to a new institution and remains in the IDOC, billing for disciplinary costs shall be transferred to the receiving institution.
- c. Offenders who are assessed costs by the ALJ shall be liable for those costs during any time that they are held at an IDOC institution, including during any subsequent incarceration. There will be no general limitation period for collecting monies owed by offenders for disciplinary sanctions, except as established in IDOC policy.

- d. Upon the expiration of an offender's sentence, unpaid costs can no longer be collected in the normal manner. If the offender agrees by a written agreement that payments will continue, such agreement shall be binding. Staff may also pursue other options such as using small claims court or seeking to have a former offender's State tax refunds used to pay the indebtedness as allowed by Iowa Department of Revenue rules.
- 7. Privilege restrictions based on discipline may take effect immediately. Privileges may be reinstated on appeal.
- 8. The ALJ may return property loaned to another offender to the owner if the ALJ finds that such an action would likely have a chance for a more positive behavioral change than sending out or destroying the property. The ALJ may impose a delay on the returning of such property in order to help encourage behavioral change by an offender.